

Todd Christopher Atkins (CA Bar No. 208879)
tatkings@siprut.com
SIPRUT PC
701 B Street, Suite 1170
San Diego, CA 92101
619.255.2380

Joseph J. Siprut (pro hac vice application to be filed)
jsiprut@siprut.com
SIPRUT PC
17 North State Street, Suite 1600
Chicago, IL 60602
312.236.0000

Attorneys for Plaintiff Red Pine Point LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Red Pine Point LLC,

Plaintiff,

v.

Yahoo! Inc. and The Weinstein Company
LLC,

Defendants.

Case No.

Complaint for Patent Infringement

Plaintiff Red Pine Point LLC (“Red Pine”), by its undersigned attorneys, for its
Complaint against Defendant Yahoo! Inc. (“Yahoo” or “Defendant”) and The Weinstein
Company LLC (“TWC” or “Defendant”), states as follows:

NATURE OF THE ACTION

1. This is a patent-infringement action by Red Pine against Yahoo, an online
retailer, and TWC, a movie distributor. As detailed below, Red Pine has been harmed by
Yahoo’s and TWC’s unlawful use of Red Pine’s patents for commercial purposes.

1 TWC's headquarters are located in New York, New York. Among other things, TWC
 2 distributes movies throughout the United States by allowing consumers to purchase and
 3 view movies before the movies are released in theaters.

4 FACTUAL BACKGROUND

5
 6 8. Red Pine owns United States Patent 8,521,601 (the "'601 patent").

7 9. The field of the invention of the '601 patent is movie distribution. Movies have
 8 historically been distributed by leveraging the period of time when the public may only
 9 view the movie in a theatre. Thus, the movie distributor risked substantial capital to
 10 promote the movie, maximize box office sales, and prolong the exclusive period during
 11 which the movie was only available for viewing in the theater.

12
 13 10. This historic method of movie distribution posed a number of challenges and
 14 missed opportunities. For example, promoting a movie in order to drive box office sales is
 15 expensive and time-consuming. In addition, and obviously, not all movies have the same
 16 potential at the box office. The target audience of *One Chance* is not the same as the target
 17 audience of *Avatar* or *Titanic*.

18
 19 11. The '601 invention provides a solution. By segmenting the movie distribution market
 20 and determining which movies' potential at the box office does not warrant the same
 21 promotional effort, companies may distribute movies like *One Chance* to hand-held devices
 22 before *One Chance* is publicly available for viewing in theaters or on DVD.

23 CLAIM ALLEGED

24 *Count 1: Direct Infringement Against Yahoo*

25
 26 12. Red Pine repeats the allegations of paragraphs 1 through 11 of this Complaint
 27 as though fully alleged herein.

28 13. Red Pine is the exclusive owner of the '601 patent, which is attached as

1 Exhibit 1.

2 14. The '601 patent is valid and enforceable.

3 15. Yahoo directly infringes claims of the '601 patent. Yahoo makes, uses, sells,
4 and offers for sale products, methods, equipment, and services that practice claims 1 and 4
5 of the '601 patent.
6

7 16. For example, and without limiting the '601 patent claims that will be asserted
8 in this action or the Yahoo services accused of infringing the '601 patent claims, the
9 distribution of *One Chance* infringes claim 1 of the '601 patent.

10 17. Claim 1 is a method of displaying "an advertisement to purchase a feature
11 length film (FLM) before the FLM is publicly available to view in movie theaters and before
12 the FLM is publicly available to buy on digital video disks (DVDs)" Yahoo advertised
13 *One Chance* for purchase before the movie was publicly available to view in movie theaters
14 and before the movie was publicly available to buy on DVD.
15

16 18. The method of claim 1 involves displaying a movie trailer for the FLM. Yahoo
17 displayed a movie trailer for *One Chance*.
18

19 19. When practicing claim 1, you sell the FLM for purchase with "handheld
20 portable electronic devices (HPEDs) before the FLM is publicly available to view in the
21 movie theaters and before the FLM is publicly available to buy on the DVDs." Yahoo sold
22 *One Chance* for purchase before *One Chance* was in the theaters and before *One Chance* was
23 publicly available on DVD.

24 20. The claim 1 method involves wirelessly transmitting and downloading of the
25 FLM. Yahoo did this with respect to sales and rentals of *One Chance*. These sales and rentals
26 were also "downloaded to the HPEDs such that the FLM plays on the HPEDs at times
27 decided by the individuals viewing the FLM with the times being before the FLM is publicly
28

1 available to view in the movie theaters and before the FLM is publicly available to buy on
2 the DVDs”

3 21. Yahoo practiced the remaining steps of claim 1 because *One Chance* was
4 distributed to movie theaters and is greater than sixty minutes long.

5
6 *Count 2: Infringement by Inducement Against TWC*

7 22. TWC has knowledge of ‘601 patent and nonetheless actively induces Yahoo to
8 directly infringe the ‘601 patent.

9 23. TWC’s knowledge of the ‘601 patent is based on, among other things, Red Pine
10 notifying TWC of the ‘601 patent no later than February 11, 2014 and describing to TWC
11 specifically how TWC’s retailers infringed the ‘601 patent. Notwithstanding this knowledge,
12 TWC specifically intends that Yahoo infringe the ‘601 patent and TWC knows that Yahoo’s
13 acts constitute infringement.
14

15 24. TWC has a contractual relationship with Yahoo. According to this relationship,
16 Yahoo is directly infringing claims of the ‘601 patent. TWC induces each of these
17 infringements.
18

19 **JURY DEMAND**

20 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of
21 all claims in this Complaint so triable.
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28 ////

REQUEST FOR RELIEF

WHEREFORE, Red Pine prays for the following relief against Yahoo and TWC:

- (A) Judgment that Yahoo has directly infringed claims of the '601 patent claims;
- (B) Judgment that TWC has induced Yahoo to directly infringe the '601 patent claims.
- (C) For a reasonable royalty;
- (D) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and
- (E) For such other and further relief as the Court may deem just and proper.

Date: October 27, 2014

Respectfully submitted,

/s/ Todd C. Atkins

Todd Christopher Atkins (CA Bar No. 208879)
tatkins@siprut.com
SIPRUT PC
701 B Street, Suite 1170
San Diego, CA 92101
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